

PAT LUNDVALL (NSBN 3761)
KRISTEN T. GALLAGHER (NSBN 9561)
McDONALD CARANO WILSON LLP
2300 W. Sahara Avenue, Suite 1000
Las Vegas, NV 89102
Telephone: 702.873.4100
Facsimile: 702.873.9966
lundvall@mcdonaldcarano.com
kgallagher@mcdonaldcarano.com

SANDRA C. McCALLION (admitted *pro hac vice*)
S.C. SOHN (admitted *pro hac vice*)
THOMAS E. BEZANSON (admitted *pro hac vice*)
CHRISTOPHER M. P. JACKSON (admitted *pro hac vice*)
MATTHEW V. POVOLNY (admitted *pro hac vice*)
COHEN & GRESSER LLP
800 Third Avenue, 21st Floor
New York, NY 10022
Phone: (212) 957-7600
Fax: (212) 957-4514
smccallion@cohengresser.com
scsohn@cohengresser.com
tbezanson@cohengresser.com
cjackson@cohengresser.com
mpovolny@cohengresser.com

Attorneys for Defendant LG Electronics U.S.A., Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KEVIN DROVER, individually and on behalf
of all others similarly situated;

Plaintiffs,

vs.

LG ELECTRONICS USA, INC.,

Defendant.

Case No. 2:12-cv-00510-JCM-VCF

LG ELECTRONICS USA, INC.'S NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF MOTION TO DISMISS

Defendant LG Electronics USA, Inc. ("LGUSA") respectfully notifies the Court of a recent decision of the United States District Court for the District of New Jersey in *Moulton, et al., v. LG Electronics USA, Inc.*, No. 11-cv-04073 (JLL), 2012 WL 3598760 (D. N.J. Aug. 21, 2012), which was issued on August 21, 2012. In its decision, the *Moulton* court granted LG Electronics USA, Inc.'s motion to dismiss the plaintiffs' amended complaint, dismissing

1 plaintiffs' claims with prejudice. In *Moulton*, the plaintiffs' amended complaint asserted
 2 consumer fraud, warranty, and unjust enrichment claims arising out of the alleged premature
 3 failure of plasma and LCD televisions manufactured by LG Electronics USA, Inc. The *Moulton*
 4 decision arises from similar facts present in the instant action, involves some of the identical
 5 products, and addresses legal issues that are similar to those raised in Defendant's Motion to
 6 Dismiss (Doc. 19). While not binding, LGUSA respectfully suggests the Court may find the
 7 *Moulton* decision informative and instructive.

8 DATED this 7th day of September, 2012.

9 McDONALD CARANO WILSON LLP

10 By: /s/ Kristen T. Gallagher

11 Pat Lundvall (NSBN 3761)
 12 Kristen T. Gallagher (NSBN 9561)
 13 2300 W. Sahara Avenue, Suite 1000
 14 Las Vegas, NV 89102
 15 lundvall@mcdonaldcarano.com
 16 kgallagher@mcdonaldcarano.com

17 Sandra C. McCallion (admitted *pro hac vice*)
 18 S.C. Sohn (admitted *pro hac vice*)
 19 Thomas E. Bezanson (admitted *pro hac vice*)
 20 Christopher M. P. Jackson (admitted *pro hac vice*)
 21 Matthew V. Povolny (admitted *pro hac vice*)
 22 COHEN & GRESSER LLP
 23 800 Third Avenue, 21st Floor
 24 New York, NY 10022
 25 smccallion@cohengresser.com
 26 scsohn@cohengresser.com
 27 tbezanson@cohengresser.com
 28 cjackson@cohengresser.com
 mpovolny@cohengresser.com

Attorneys for Defendant LG Electronics U.S.A., Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano Wilson LLP, and that on this 7th day of September, 2012, I caused a true and correct copy of the foregoing **LG ELECTRONICS USA, INC.'S NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF MOTION TO DISMISS** to be served via the U.S. District Court's Notice of Electronic Filing ("NEF") in the above-captioned case, upon the following:

Dennis L. Kennedy, Esq. (NSBN 1462)
Joseph A. Liebman, Esq. (NSBN 10125)
BAILEY KENNEDY
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148-1302
Telephone: (702) 562-8820
Facsimile: (701) 562-9921
dkennedy@baileykennedy.com
jliebman@baileykennedy.com

WILLIAM B. FEDERMAN
FEDERMAN & SHERWOOD
8 10205 N. Pennsylvania Avenue
Oklahoma City, Oklahoma 73120
9 (405)235-1560 Telephone
(405) 239-2112 Facsimile
wbf@federmanlaw.com
(admitted *pro hac vice*)

Attorneys for Plaintiff Kevin Drover

/s/ Yalonda Dekle
An employee of McDonald Carano Wilson LLP

McDONALD • CARANO • WILSON LLP
2300 WEST SAHARA AVENUE, SUITE 1000 • LAS VEGAS, NEVADA 89102
PHONE (702)873-4100 • FAX (702) 873-9966

260548